

**Conformis**  
**Data Protection Statement**  
Effective Date: May 25, 2018

Conformis.com and Conformis.de are owned and operated by Conformis, Inc. and its wholly owned subsidiary, Conformis Europe GmbH, (collectively "Conformis"). Conformis collects personal and non-personal information on Conformis.com and Conformis.de. Conformis is committed to protecting the privacy of its users. We have created this Data Protection Statement, which complies with the General Data Protection Regulation (GDPR) in Europe, in order to describe and explain to users our information collection practice on Conformis.com and Conformis.de.

**Contact Information**

If you have any questions or concerns in connection with Conformis' information collection practice summarized in this Statement, please send an email, with the subject heading "Privacy Statement Question," to [dataprivacy@conformis.com](mailto:dataprivacy@conformis.com). In the email, please state your questions or concerns. Our postal addresses are:

Conformis, Inc.  
Attn: Data Protection Coordinator  
600 Technology Park Drive  
Billerica, MA 01821 USA

Conformis Europe GmbH  
Attn: Data Protection Coordinator  
Schwabacher Str. 261  
90763 Fürth, Germany

**The Types of Personal Data That We Collect**

Through Conformis.com and Conformis.de, Conformis collects personal data from data subjects all over the world, including data subjects in the European Economic Area ("EEA") who visit our public-facing web site ("EEA Website Visitors") and individual representatives of our corporate customers, suppliers and business partners ("EEA Business Contacts"). Data subjects include patients and doctors requesting more information about our products. Data subjects may also request receipt of our periodic newsletter or request participation in a program offered by Conformis, for example, a co-marketing program or track my implant.

Activities or services that require provision of personal information generally seek full name and email address. Depending on the activity or service a user desires, we also may request additional personal information. For example:

Patients who have had a Conformis implant procedure, may choose to “tell us your story” or request an ID card through webpages that collect the following types of personal data:

- Name;
- Postal code;
- e-mail address;
- Phone number;
- Date of Birth;
- Surgeon Name;
- Surgeon’s phone number;
- Surgery Date;
- Healthcare information;
- Photo data subject;
- Consent to become a patient ambassador.

Patients who have a Conformis implant surgery scheduled may request to track the manufacture of their implant through a webpage requesting some types of personal data listed above.

People considering getting a Conformis implant may request to speak to patient that already has a Conformis implant through a webpage that collects the following types of personal data:

- Name;
- Postal code;
- e-mail address;
- Phone number;
- Date of Birth;
- Gender
- Healthcare information;
- Consent to be contacted.

### **Purposes for the Processing of Personal Data; Legal Basis**

Conformis processes the personal data of data subjects, including EU data subjects, received through Conformis.com and Conformis.de for the purposes of:

- Improving our website content, layout and user experience;
- Improving our products and service offerings;
- Profiling prospective customers or building our mailing list for information distribution;
- Responding to data subject requests, for example, for information;

- Correlating data subject requests with product fulfillment;
- Other purposes disclosed at the time of collection; and
- Processing client data as a data processor.

Conformis uses non-personal information such as demographic data and personal interests received through Conformis.com and Conformis.de to analyze and develop our marketing strategy. We use non-personal information to determine how you found out about us, what your interests are regarding our services, and how to further improve our site and our service towards you. We also may share non-personal information with third parties.

For EEA Visitors to the Conformis website, the basis for processing personal data is consent. For all other data subjects, such processing has been determined to be in the legitimate business interest of Conformis.

### **Recipients of Personal Data**

We do not sell, rent, share, or loan the personal information collected on Conformis.com or Conformis.de to third parties. We may, however, disclose your personal information when required by law or in the good-faith belief that such disclosure is necessary to comply with law.

### **Transfer of Personal Data to a Third Country**

Personal data collected by Conformis may be stored or processed in the United States or in any other country where Conformis or its affiliates, subsidiaries, or third-party service providers maintain facilities. EU data subjects who provide personal data to Conformis consent to the processing and transfer of that data to the United States and around the world.

Conformis may also execute agreements with third parties for the transfer of personal data outside of the EU using European Commission-approved Standard Contract Clauses.

### **Retention Period**

Personal data may be kept indefinitely due to government regulations and other legal reasons.

### **Access to, Modification and Deletion of Personal Information**

For questions about the collection of personal data by Conformis, or to exercise the right to access, correct, update, or delete such data or object, for legitimate purposes, to the processing of personal data, as provided under applicable law, please contact Conformis:

Conformis, Inc.  
Attn: Data Protection Coordinator

Conformis Europe GmbH  
Attn: Data Protection Coordinator

600 Technology Park Drive  
Billerica, MA 01821 USA

Schwabacher Str. 261  
90763 Fürth, Germany

Although the General Data Protection Regulation (EU) 2016/679 allows data subjects the right to have their data deleted, often referred to as a right of erasure, **by providing personal data to Conformis through Conformis.com or Conformis.de, you are expressly waiving such right to complete deletion.** Conformis retains personal data for regulatory compliance and other reasons. Please help us to keep your data accurate by informing us of any personal information change promptly.

There may be cases where restrictions on the amount of information that can be disclosed to data subjects under applicable law (for example, if that would necessarily involve disclosing information about another person). Conformis is permitted to withhold some types of personal data in certain circumstances, subject to applicable local law requirements. If there is a dispute, please contact the Conformis Data Protection Coordinator at the above address. In addition, data subjects have the right to lodge a complaint with a supervisory authority.

#### **Right to Withdraw Consent**

Data subjects whose processing is based upon consent may withdraw that consent at any time; however, Conformis will not be able to provide or continue to provide services or marketing communications to the data subject. To withdraw your consent, please contact the Data Protection Coordinator at [dataprivacy@conformis.com](mailto:dataprivacy@conformis.com). As stated above, a withdrawal of consent will not result in the automatic deletion or removal of all your personal data from Conformis' records, some must be retained for regulatory and other legal purposes.

#### **Changes to This Statement**

We may update this Data Protection Statement to reflect changes to our information practices. If we make any changes to this Statement, we will notify data subjects by means of a notice on Conformis.com and Conformis.de. We encourage Website Visitors, business contacts, and others to periodically review this page for the latest information on our privacy practices.